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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,643	09/19/2003	Jeffrey J. Young	81230.96US1	6110
34018	7590	07/25/2006	EXAMINER YACOB, SISAY	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/665,643	YOUNG, JEFFREY J.	
	Examiner Sisay Yacob	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 April 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1 This communication is in response to applicant's amendment to a second non-final office action, which was filed April 28, 2006.

2 Amendments and arguments to claims 1-26 have been entered and made of record in the application of Young "System and method for measuring and presenting memory size of a universal remote control" filed on September 19, 2003.

Claims 1 and 13 are amended.

Claims 2-12 and 14-26 are the same as originally filed.

Claims 1-26 are pending.

## **Response to Arguments**

3 Applicant's amendments and arguments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claims under 35 U.S.C 103(a) as discussed below. Applicant's amendments and arguments with respect to the pending claims 1-26, filed on April 28, 2006, have been fully considered but they are not persuasive for at least the following.

**Rejection Under 35 U.S.C. §103(a)**

4 On page 3 and all subsequent applicant's argument with respect to claims 1 and 13, as to the combination of Chang, Soini and Mulla failing to disclose, teach, or suggest all of the claimed limitations

5 Chung discloses a method or computer-readable media that invokes a diagnostic routine which measures a size of a writeable memory measured by the diagnostic routine, Figure 4, clearly show that the size writeable memory is indicated graphically and Figure 5, clearly shows that the routine that is run to indicate the writeable memory.

6 Soini disclose a mobile device that may function as a remote control and discloses memory expansion to deal with memory limitation, so one skilled in the art would be motivated to solve the memory problem by incorporating Chang's disclosure to develop a method for presenting a size of a writeable memory within a portable electronic device for a remote communication comprising invoking a diagnostic routine within the portable electronic device for a remote communication which measures a size of the writeable memory and using the portable electronic device for a remote communication to present an indication of the size of the writeable memory as measured by the diagnostic routine.

7       Dudek discloses using an LED to display or indicate a status of remaining power and operation termination indication to provide a user feedback, so one skilled in the art may modify the indicator to represent a variety of measured values.

8       Mulla discloses using sound as indication of memory status, which is obvious to one skilled in the art to use the sound indication to how much memory space is left and/or overall memory size.

9       Also, it is well known and widely used in the mobile phone and computer fields a method for presenting a size of a writeable memory within electronic device, such as computers and mobile phones comprising invoking a diagnostic routine within the electronic device to measure a size of the writeable memory and using the electronic device to present an indication of the size of the writeable memory as measured by the diagnostic routine.

### **Rejections - 35 USC § 103**

10      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11 The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12 Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US publication of Chung (20020077155) in view of Soini et al., (6,611,693).

13 As to claims 1 and 13, Chung discloses a method for presenting a readable medium having instructions a size of a writeable memory within a portable electronic device for a remote communication comprising invoking a diagnostic routine within the portable electronic device for a remote communication which measures a size of the writeable memory, and using the portable electronic device for a remote communication to present an indication of the size of the writeable memory as measured by the diagnostic routine (Page 2, Par. 0033-0035; See figures 4-5), however, Chung does not expressly disclose the portable electronic device being a remote control. In the same field of endeavor, Soini et al., discloses a portable electronic device for a remote

communication that may be used as a remote control (Col. 3, lines 9-17; Col. 9, lines 60-64).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory within a portable electronic device of Chung, by incorporating a remote control features as disclosed by Soini et al., in order to have a method for presenting a size of a writeable memory within a universal remote control comprising invoking a diagnostic routine within the universal remote control which measures a size of the writeable memory, and using the universal remote control to present an indication of the size of the writeable memory as measured by the diagnostic routine, because Chung discloses a method for presenting a size of a writeable memory within a portable electronic device for a remote communication comprising invoking a diagnostic routine within the portable electronic device for a remote communication which measures a size of the writeable memory, and using the portable electronic device for a remote communication to present an indication of the size of the writeable memory as measured by the diagnostic routine and Soini et al., discloses a portable electronic device for a remote communication that may be used as a remote control that allocate available memory and expand memory to provide additional memory for adding functions (Col. 4, lines 35-40; Col. 5, lines 50-54; Col. 6, lines 61-65).

14 Claims 2-4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of US patent of Soini et al., and further in view of US patent of Dudek (5,523,800).

15 As to claims 2 and 14, the method as recited in claims 1 and 13, however, the combination of Chung and Soini et al., disclose the indication is presented by causing an LED of the universal remote control to blink. In the same field of endeavor, Dudek discloses an indication that causing an LED of a universal remote control to blink (Col. 16, lines 51-58).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Chung and Soini et al., in order to have the indication is presented by causing an LED of the universal remote control to blink, because Dudek discloses the LED blinking to indicate correct or incorrect remote control operation termination and one of ordinary skill in the art recognizes the visual display of writable memory of Soini et al., may be replaced by an LED that is arranged to blink to present a readable medium having instructions for presenting a size of a writeable memory.

16 As to claims 3 and 15, the method as recited in claims 2 and 14, however, the combination of Chung, Soini et al. and Dudek does not expressly disclose the LED is blinked one of a predetermined number of times each being correlated to a different measurable memory size.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Chung, Soini et al. and Dudek, in order to have the LED is blinked one of a predetermined number of times each being correlated to a different measurable memory size, because Dudek discloses the LED blinking to indicate correct or incorrect remote control operation termination (Col. 16, lines 51-58) and one of ordinary skill in the art recognizes the LED may be arranged to blink any of a predetermined number of times or ways each being correlated to a different measurable memory size.

17 As to claims 4 and 16, the method as recited in claims 2 and 14, however, the combination of Chung, Soini et al. and Dudek does not expressly disclose the LED is blinked in at least one group of blinks, the group of blinks corresponding to one or more digits representative of measured memory size.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Chung, Soini et al. and Chung, Soini et al. and Dudek, in order to have the LED blinked in at least one group of blinks, the group of blinks corresponding to one or more digits representative of measured memory size, because Chung discloses a method of displaying available memory of a and Dudek discloses LED blinking to indicate correct or incorrect remote control operation termination. One skilled in the art recognizes the LED may be arranged to blink any of a predetermined number of

group of blinks or in any other combination to indicate combination the group of blinks corresponding to one or more digits representative of measured memory size.

18 Claims 5-12 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of US patent of Soini et al., and further in view of Dudek and further in view of US publication of Mulla et al. (20020162891).

19 As to claims 5 and 17, the readable medium and method as recited in claims 1 and 13, however, the combination of Chung, Soini et al. and Dudek does not expressly disclose the indication is presented by causing a speaker of the universal remote control to emit a sound. In filed of a writeable medium, Mulla et al., discloses an audible device to indicate to the user available memory (Page 4, Par. 0057, lines 13-16).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Chung, Soini et al. and Dudek, by incorporating the sound indication for available memory size of Mulla et al., in order to have an indication that is presented by causing a speaker of the universal remote control to emit a sound, because Chung, Soini et al. and Dudek disclose a remote control that has an indication of the status of the readable memory and Mulla et al., discloses an audible sound that indicate the status of the readable memory.

20 As to claims 6 and 18, the readable medium and method as recited in claims 5 and 17, further, Mulla et al., the speaker is caused to emit the sound one of a predetermined number of times each being correlated to a different measurable memory size (Page 4, Par. 0057, lines 17-18).

21 As to claims 7 and 19, the readable medium and method as recited in claims 5 and 17, the speaker emits at least one group of sounds, the group of sounds corresponding to one or more digits representative of measured memory size.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of Chung, Soini et al. and Dudek, by incorporating the sound indication for available memory size of Mulla et al., in order to have a speaker emits at least one group of sounds, the group of sounds corresponding to one or more digits representative of measured memory size, because Mulla et al., discloses different audible tones and sound sequences may be used indication of the status of the readable memory and one of ordinary skill in the art recognizes that the speaker may be arranged to emit at least one group of sounds, the group of sounds corresponding to one or more digits representative of measured memory size.

22 As to claims 8 and 20, the readable medium and method as recited in claims 1 and 13, further, Mulla et al., discloses the measured memory size is

displayed in an alphanumeric display of the universal remote control (Page 4, Par. 0057, lines 18-21).

23 As to claims 9 and 21, the readable medium and method as recited in claims 8 and 20, further, Mulla et al., discloses the alphanumeric display comprises a touch screen display (Page 2, Par. 0016, lines 1-3).

24 As to claims 10 and 22, the readable medium and method as recited in claims 1 and 13, further, Chung discloses the memory size measured is an overall size of the writeable memory (See figure 4).

25 As to claims 11 and 23, the readable medium and method as recited in claims 1 and 13, further, Mulla et al., discloses the memory size measured is an amount of available memory in the writeable memory (Page 4, Par. 0057, lines 17-18).

26 As to claims 12 and 24, the readable medium and method as recited in claims 1 and 13, further, Chung discloses the diagnostic routine is automatically invoked in response to a request to download data into the writeable memory (Page 2, Par. 0033-0035; See figures 4-5).

27 As to claims 25 and 26, the readable medium and method as recited in claims 5 and 17, however, the combination of Chung, Soini et al., Dudek and Mulla et al., does not expressly disclose the sound comprises a voice.

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for presenting a readable medium having instructions for presenting a size of a writeable memory of the combination of Chung, Soini et al., Dudek and Mulla et al., by incorporating a voice to indication for available memory size, in order to have the indication that is presented by causing a speaker of the universal remote control to emit a sound to comprises a voice, because Mulla et al., discloses different audible tones and sound sequences may be used indication of the status of the readable memory and one of ordinary skill in the art recognizes that the speaker may be arranged to emit a voice as one of the audible sounds.

### Conclusion

28 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

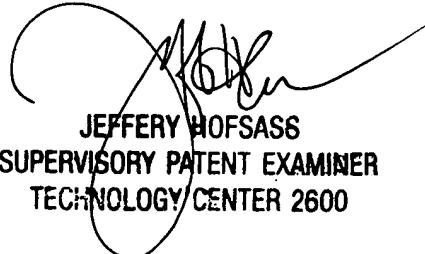
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/14/2006

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